

**LOCAL RULES OF ADMINISTRATION FOR THE COURTS OF**  
**WEBB COUNTY, TEXAS**  
**INTERIM PLAN**  
*(effective January 1, 2006)*

**THE STANDARDS AND PROCEDURES FOR  
THE APPOINTMENT OF COUNSEL FOR INDIGENT DEFENDANTS**

**PREAMBLE**

WHEREAS, The Webb County Board of Judges seeks to ensure that indigent defendants continue to receive well-qualified and knowledgeable representation by their appointed counsel; and

WHEREAS, the 77<sup>th</sup> Texas Legislature passed the Texas Fair Defense Act effecting procedures and guidelines for the appointment of counsel for indigent defendants by amending the Texas Code of Criminal Procedure, section 6, article 26.04 to become effective January 1, 2004.

NOW BE IT RESOLVED that the Judges of the Webb County Board of Judges by formal action in compliance with and as mandated in the Texas Fair Defense Act hereby;

- (1) Adopt standards for determining indigence,
- (2) Establish procedure to compile a public appointment list of attorneys qualified to provide representation to indigent defendants ,
- (3) Establish a procedure to compile graduated lists of qualified attorneys,
- (4) Adopt objective qualifications necessary for an attorney to be included on the lists and,
- (5) Establish appointment procedures that shall ensure appointments are reasonably and impartially allocated among qualified attorneys pursuant to the Texas Fair Defense Act.

ACCORDINGLY, the Webb County Board of Judges hereby adopts the following plan as the interim plan for appointing counsel for indigent defendants and juveniles in the Courts of Webb County, Texas.

The Webb County Board of Judges further Orders this plan be incorporated into the local rules of the Judicial District courts of Webb County District Courts and the Webb Count Courts at Law.

1.15.00 **TERMINOLOGY**, As used in these procedures, the following terms and phrases will have the following meanings.

1.15.01 “Judges” or “Board of Judges” shall mean all the presiding judges of the District Courts and County Courts at Law in Webb County.

1.15.02 The pronoun “he” shall refer to individuals of both genders.

**RULE 6.01** **GENERAL**

The rules in the Part govern practice in all justice of the peace, county, and district courts in this County notwithstanding any other local rule to the contrary.

**RULE 6.09**      **WHEN THE RIGHT TO APPOINTED COUNSEL ATTACHES**

- 6.09.01      The detaining authority must present the defendant before the magistrate within 48 hours of arrest for a felony, or 24 hours for a misdemeanor arrest.
- 6.09.02      The magistrate shall deliver admonishments, inform the defendant of his right to counsel, and make a finding of probable cause.
- 6.09.03      If needed, an interpreter shall assist during the hearing.
- 6.09.04      If the defendant asks that a lawyer be appointed, the magistrate or magistrate's designee shall assist the defendant in filling out the indigence information required on Defendant's Financial Affidavit and request for appointed counsel as attached hereto in Exhibit A.

**RULE 6.10**      **REQUESTS FOR APPOINTED COUNSEL**

- 6.10.01      All reasonable efforts will be made to communicate the following information to each person who is accused of a crime at a post-arrest hearing under Tex. Code Crim. P. art. 15.17, using a language that the arrested person understands:
- a.      "You have the right to a lawyer's help in responding to the accusation against you; "
  - b.      "The county will pay a court-appointed lawyer to help you if you can't afford one;"
  - c.      "You can request an appointed lawyer right now using the Magistrate's certificate attached as Exhibit B and called the Probable Cause, Rights, Bail and Attorney Request Form, which I will give to another judge who decides if you qualify, and then appoints a lawyer who will contact you within a few days;"
  - d.      "If you need help filling out the form, I can get help for you;"
  - e.      "Do you want to request an appointed lawyer?"
- 6.10.02      The Magistrate shall note the response on said Magistrate's Certificate. Magistrates will either make an electronic or written record of having communicated each item in Rule 6.10.01 above to each arrested person at each Article 15.17 hearing and maintain this record for at least 120 days. Either an electronic or written record such as Exhibit B, the Probable Cause, Rights, Bail and Attorney Request Form completed by the Magistrate can be the record of said request.
- 6.10.03      If a magistrate has reason to believe that a person is not mentally competent to decide whether to request counsel, the magistrate will enter a request for counsel on that person's behalf.
- 6.10.04      Magistrates shall transmit any request for counsel, that they receive, to the appointing Judge specified in Rule 6.11 below, or to the judge's designee.

**RULE 6.11**      **APPOINTING JUDGE**

- 6.11.01      The Board of Judges shall designate either a judge or the Jail Magistrate or an individual hired by the County to perform non-judicial duties required by the Fair Defense Act for all people accused of criminal offenses who request appointment of counsel. The duties of the appointing Judge are to:
- (a)      Follow Rule 6.12 to make an initial determination of whether a person requesting counsel is indigent.
  - (b)      Follow Rule 6.01 to select and appoint counsel to represent each indigent defendant; or Local Rule 5 for juveniles.
  - (c)      Follow Rule 6.14 to cause all interested parties to have notice of appointment decisions.
- 6.11.02      The Appointing Judge will complete these duties as to each request as soon as possible, but not later than the end of the first day after the defendant makes such request, excluding weekends of

county and state holidays.

- (a) The Appointing Judge may assign any of the non-judicial duties stated in these Rules to a county employee who is hired to address administrative matters associated with indigent defense.
- (b) The Board of Judges shall assign pre-trial services staff as needed to comply with the Fair Defense Act and they shall review all persons in the jail to insure that all persons are timely appointed counsel as per these rules and Texas law.

## **RULE 6.12**      **INDIGENCY DETERMINATIONS**

6.12.01      A person in “indigent” and thus qualifies for appointed counsel in this county if the income of the person and the person’s spouse totals less than 150% of the federal poverty level for the family, or the person’s dependents currently received food stamps, public housing, Temporary Assistance for Needy Families (TANF), OR Medicaid, unless the person has net liquid assets worth over \$2,500, excluding the value of one vehicle, pursuant to current Texas TANF guidelines.

6.12.02      Indigence determinations may be based upon the attached Exhibit G as submitted by the accused person, or any other evidence admitted by the appointing Judge.

### **6.12.03      Procedures and Financial Standards for Determining Indigence Status**

- A.      At the magistrate's hearing each accused shall be provided an opportunity to request court appointed counsel, if indigent. Each requesting defendant shall complete a sworn affidavit of indigency form { **Exhibit A** }. The magistrate will insure that reasonable assistance is available in completing the necessary forms for requesting appointment of counsel.

The magistrate shall then review the information and follow the procedures for determining whether a defendant is indigent, as follows:

- B.      Financial Standards for Determining Indigence

The financial standards set forth below shall be used to determine whether a defendant is indigent and shall be applied equally to each defendant in the county.

- (a)      A defendant is considered indigent if:
  - (1) the defendant’s net household income does not exceed 125% of the Poverty Guidelines as established and revised annually by the United States Department of Health and Human Services and published in the Federal Register; and
  - (2) the value of the non-exempt assets and property owned by the defendant:
    - (i) does not exceed \$2,500.00;
    - (ii) does not exceed \$5,000.00 in the case of a defendant whose household includes a person who is age 60 or over, disabled, or institutionalized; or
    - (iii) does not exceed double the estimated cost of obtaining competent private legal representation on the offense(s) with which the defendant is charged.

The income levels in the following table represent 125% of the U.S. Department of Health and Human Services Poverty Guidelines for 2001 as published in 66FR 10695 (Feb. 16, 2001):

|         |          |
|---------|----------|
| 1 ..... | \$10,738 |
| 2 ..... | 14,513   |
| 3 ..... | 18,288   |
| 4 ..... | 22,063   |
| 5 ..... | 25,838   |
| 6 ..... | 29,613   |
| 7 ..... | 33,388   |
| 8 ..... | 37,163   |

For family units with more than eight members, add \$3,775 for each additional member in the family when determining 125% of Poverty

- (b) A defendant is considered indigent if, at the time of requesting appointed counsel, the defendant or the defendant's dependents have been determined to be eligible to receive food stamps, Medicaid, Temporary Assistance for Needy Families, Supplemental Security Income, or public housing.
- (c) A defendant is considered indigent if the defendant:
  - (1) is currently serving a sentence in a correctional institution, is currently held in custody, is currently residing in a public mental health facility, or is the subject of a proceeding in which admission or commitment to such a mental health facility is sought; and
  - (2) has no non-exempt assets or property in excess of the amounts specified in paragraph two
- (d) A defendant who does not meet any of the financial standards above shall nevertheless be determined indigent if the defendant is otherwise unable to retain private counsel without substantial hardship to the defendant or the defendant's dependents, taking into account the nature of the criminal charge(s), the anticipated complexity of the defense, the estimated cost of obtaining competent private legal representation for the matter charged, and the amount needed for the support of the defendant and the defendant's dependents.
- (3) Factors Not to be Considered
  - (a) A defendant's posting of bail or ability to post bail may not be considered in determining whether the defendant is indigent or partially indigent. Even when a defendant has posted bail, the defendant's financial circumstances are measured by the financial standards stated in this rule.
  - (b) The resources available to friends or relatives of the defendant may not be considered in determining whether the defendant is indigent. Only the defendant's financial circumstances as measured by the financial standards stated in this rule shall be used as the basis for determining indigence.
- (4). Procedures for Determining Indigence
  - (a) As soon as possible following arrest, and in any event not later than the Article 15.17 hearing, the Magistrate shall provide each arrested person who wants to request appointment of counsel with a form approved by the judges on which the arrested person will provide under oath the necessary information concerning the person's financial resources and will indicate that the person requests appointment of counsel. The Magistrate shall provide the arrested person reasonable assistance in completing the form.

- (b) The form requesting appointment of counsel and containing the information concerning the arrested person's financial resources will be transmitted to the appointing judge or person(s) designated by the judges to appoint counsel.
  - (c) The appointing judge or person(s) designated by the judges to appoint counsel will determine whether the person meets the financial standards for indigence in paragraph 2. The determination will be recorded on the form requesting appointment of counsel and the form will be filed with the other orders in the case.
  - (d) The arrested person may be required by the magistrate, the appointing judge, or the judge presiding over the case to respond to examination regarding the person's financial resources.
  - (e) A written or oral statement elicited under this article or evidence derived from the statement may not be used for any purpose, except to determine the defendant's indigence or to impeach the direct testimony of the defendant regarding the defendant's indigence.
  - (f) A defendant determined to be indigent is presumed to remain indigent for the remainder of the case unless a material change in the defendant's financial circumstances occurs.
  - (g) A defendant's status as indigent or not indigent may be reviewed in a formal hearing at any stage of a court proceeding based on evidence of a material change in the defendant's financial circumstances. A defendant's status as indigent or no indigent also may be reviewed in a formal hearing at any stage of a court proceeding based on additional information regarding financial circumstances, subject to the presumption. If a defendant previously determined to be indigent subsequently is determined not to be indigent, the attorney shall be compensated by the county in accordance with these Rules for time reasonably expended on the case.
5. Payment by Defendant
- (a) A court that finds that a criminal defendant has financial resources to offset, in part or in whole, the costs of legal services provided under this Plan may order the defendant to pay the county that portion of the costs of legal services.

## **RULE 6**

## **SELECTION AND APPOINTMENT OF COUNSEL**

### **6.01**

### **NEW APPOINTMENT**

- (a) The Appointing Judge will identify which of the appointment lists (capital, felony 1, 2, 3 and SJF, misdemeanor and juvenile) specified in Rule 6.04 below best correspond to the known information about the accusations against each indigent person who requests counsel.
- (b) The Webb County Public Defender's attorneys will also be classified as to which felony and misdemeanor appointments they are qualified to receive based on education and experience.
- (c) The Webb County Public Defender's office will receive 75% of all of the felony and 100 % of the misdemeanor appointments. The Board of Judges may from time to time adjust the percentage of cases to be assigned to the Webb County Public Defenders' Office due to staffing availabilities. The rest of the appointments may be made from the applicable appointment list. The Appointing Judge will appoint a lawyer from the applicable list whose name is among the next five names in order so identified unless:

(1)The defendant requesting counsel does not understand English, in which case the judge will appoint the next lawyer who both appears next in order on the list and speaks the clients' language, if one is available;

(2)The defendant has an attorney already appointed on a prior pending matter, the same attorney will be appointed to the new matter, unless the attorney is not on the list for the type of case involved.

#### **6.15 CHANGE OF ATTORNEY**

Where a trial court is required to change counsel for good cause shown on the record;

- (a) The judge exercises discretionary authority to appoint one of the attorneys whose name is among the next five names in order on the list; or
- (b) In unusual circumstances, the appointing Judge upon a written finding of good cause may appoint any qualified willing attorney regardless of whether the attorneys name is on the list.
- (c) Each time a lawyer is appointed out of order under the preceding paragraph, the lawyer who is appointed out of order shall not be appointed to a new case until all other eligible lawyers on that wheel have received an equal number of appointment, except the Public Defender, so long as the Public Defender does not receive more than 75% of all felony and 100 % of the misdemeanor cases.

#### **6.03 TERM OF APPOINTMENT**

6.03.1 Each attorney appointed under this rule is to represent the person through trial and appeal or including habeas corpus, until removed or replaced by court order.

6.03.2 If any attorney is appointed under this rule, and that attorney is not qualified for the new case, the judge shall appoint either a second attorney who is qualified or appoint proper qualified counsel on the new case. This applies to the Webb County Public Defender's staff as well.

#### **6.04 LIST OF ATTORNEYS**

6.04.1 The Board of Judges shall maintain lists of qualified attorneys by alphabetical order, to be used by the appointing court or designee for 25% of the appointments at the felony level, and where a conflict or multiple defendants require appointment of additional counsel. Upon a person being found indigent, the administrator shall inform the appointing court of the next name on the wheel. The wheel shall be constructed as per Rule 6.06 herein after. The attorney, who is selected, except for the Public Defender, shall be removed from the wheel lists until all other attorneys on the lists have been appointed a defendant. An attorney remains on the lists as next attorney until assigned a case.

6.04.2 Should appointed counsel withdraw due to conflict of interest or any other reason except that the Defendant has obtained counsel, the appointing Judge or designee shall inform the Trial Court of the next five names for the Court to select. The Court may choose any one of the five attorneys, on the list as set out in Rule 6.04 above.

#### **6.05 SPECIAL APPOINTMENTS BY CONTRACT OR DAILY OR WEEKLY RATE**

The Board of Judges may from time to time adopt procedures for the implementation of the appointment of an attorney on a daily, weekly or contract basis. The Board of Judges must adopt these rates and changes by a majority vote. Any contract rates must be approved by Commissioners Court.

**RULE 6.14**      **NOTICE OF APPOINTMENT DECISIONS**

- 6.14.01      If the Appointing Judge finds that a person who requests counsel is not indigent under Rule 6.12 above, the Appointing Judge will enter that finding on the form, cause it to be returned to the person, and cause a copy to be filed by clerk.
- 6.14.02      If the appointing Judge finds that a person who requests counsel is indigent, the judge will give notice of appointment by sending Order Appointing Attorney (attached as Exhibit C) to be issued to both the defendant and the appointed attorney, and to be filed with the district or County Clerk.
- 6.14.03      Notice to appointed counsel under this Rule will be provided by telephone, facsimile, electronic mail, or some other similar immediate means of communication by the District or County Clerk or Board of Judges or Designee.
- 6.14.04      When formal charges are filed against a person who has requested counsel, a copy of the application and order appointing counsel shall be filed by the District or County Clerk.

**RULE 6.06**      **APPOINTMENT LISTS**

- 6.06.01      The Appointing Judge shall maintain indigent defense appointment lists in this county:
1. Juvenile List as specified in Local Rule 5.04;
  2. Juvenile certification or determinate sentencing as specified in Local Rule 5.04;
  3. Lists to be used to select counsel for people other than those who are charged with misdemeanors, state jail felonies, felonies of the 3<sup>rd</sup>, 2<sup>nd</sup>, and 1<sup>st</sup> degree;
  4. A Murder List to be used to select counsel for murder cases; and
  5. A Capital List to be used to select counsel for Capital Murder cases.
- 6.06.02      All lists shall include the name of the Webb County Public Defender such that the Public Defender shall receive no more than 75% of all felony and 100 % of the misdemeanor appointments. The appointments for juvenile cases shall continue to be made from the list unless there are additional public defenders hired to represent juveniles.
- (a)      The Lists shall include all licensed attorneys residing in Webb County, Texas who have applied for and are qualified for appointment to felony and misdemeanor cases if the attorney has completed a minimum of 6 hours continuing legal education pertaining to criminal law during each calendar year; or currently certified in criminal law by the Texas Board of Legal Specialization. Continuing legal education may include activities accredited under Section 4, Article XII, State Bar Rules, self-study, teaching at an accredited continuing legal education activity, attendance at a law school class or legal research-based writing.
- (b)      An attorney who is qualified under the General List may be included on the Murder List or the Capital Murder List only after a majority of the judges who hear such cases approve adding the attorney's name to the lists after review of Webb County Application/Affidavit Criminal Felony, Misdemeanor or Juvenile Courts Attorney (attached as Exhibit D).
1.      For the Murder List:
- (a)      The attorney has at least four years of experience in criminal litigation.
  - (b)      The attorney has tried four criminal cases to a jury verdict as lead counsel.
  - (c)      Has attended at least 10 hours MCLE in criminal law per year for three years prior to application, and annually thereafter;
  - (d)      Has been appointed by the presiding judge of the Court to such a case in the past; or
  - (e)      The presiding judge of the Court finds that the attorney is qualified to undertake such representation.

2. For the Capital List :

- (a) The attorney must meet all the requirements set out in in Tex. Code Crim. P. Art. 26.052; and
- (b) meet the standards for qualification adopted by the Fourth Administrative Judicial Region Capital Murder Case Committee.
- (c) An emergency appointment may be made when no attorney is available who meets the continuing education or board specialization requirements by the time an attorney must be appointed in the case. The appointing judge or designee making the appointment shall given priority to attorneys with experience in criminal cases.

6.06.03

**Application for placement on lists.**

- A. All attorneys are required to file the Webb County Application/affidavit Criminal Felony, Misdemeanor or Juvenile Courts Attorney by January 1, 2002. A grace period of 2 weeks shall apply. Thereafter, all attorneys are required to file a new application/questionnaire by October 1 of every year beginning October 1, 2002 and continuing annually until this rule is amended. Any attorney may apply to be placed on any of the felony, misdemeanor, juvenile certifications and determinate sentencing, felony murder or capital murder appointment lists by supplying this county's Local Administrative Judge or other judge assigned such duty by the Board of Judges with all of the information necessary for the Board of Judges or judge to evaluate whether the attorney meets all requirements under this Rule. See Exhibit E.
- B. Judges will evaluate applications for placement on each list as often as needed, but at least once annually.
- C. Names on each list will be listed alphabetically.

6.06.04

**Grounds for Removal**

- A. The Appointing Judge will remove an attorney's name from a list if:
  - (a) A majority of judges of the Board of Judges vote to remove the attorney;
  - (b) The attorney fails to meet the minimum qualifications needed to remain on a particular list;
  - (c) The attorney ceases to be an active member of the State Bar of Texas; or
  - (d) The attorney requests removal from the list.
  - (e) The Board of Judges may remove an attorney's name from the general misdemeanor or juvenile list if a majority of County Court at Law agrees to follow or adopt the "Laredo Plan" of the Webb County Bar Association.
- B. The Board of Judges may agree to follow or adopt the "Laredo Plan" of the Webb County Bar Association but may appoint any or all of the paid in members to represent indigent defendants attorney regardless of whether the attorney's name appears on the Laredo Plan list.<sup>1</sup>

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<sup>1</sup>The Laredo Plan was implemented over 17 years ago in Webb County. It permitted attorneys who recognized that they were not proficient in the practice of criminal law to opt out of appointments. They were "charged" a fee. That fee was used to supplement the attorneys who were qualified and willing to accept court appointments to supplement or augment the fee paid by Webb County for representation of the indigent defendant.



**Procedure for Removal****A. Referral**

If a judge/member of the juvenile board believes that an attorney has violated any of the provisions listed in the paragraph above, the judge/juvenile board member may refer an attorney to the board of judges/juvenile board for removal from the appointment list. The referral must be in writing and shall clearly state the grounds that form the basis of the referral. No disciplinary action with respect to the attorney being retained or removed from the appointment list may be made without such a referral.

**B. Notification/Hearing**

Upon receiving an attorney referral, the board of judges/juvenile board shall notify the attorney in writing of the referral and inform the attorney of the grounds that form the basis of the referral. The notice shall also inform the attorney of the time and place the board of judges/juvenile board will meet to discuss the referral and give the attorney an opportunity to respond to the referral in writing or in person or both.

**C. Action**

After the board of judges/juvenile board meets and gives the attorney an opportunity to be heard, the board of judges/juvenile board shall determine whether the attorney should:

1. remain on the appointment list at the same level;
2. moved to an appointment list for indigent defendants charged with less serious offenses; or
3. be removed from appointment list altogether.

The attorney may be removed from the appointment list or moved to an appointment list for indigent defendants charged with less serious offenses by a majority vote of the judges/juvenile board members present. In addition, the majority of the judges/juvenile board members may also vote to require the attorney to take other rehabilitative measures. Removals from any list may be probated. For removal or probated removals, the judges/juvenile board members ordering the removal may require the completing of rehabilitative measures as a condition of probation or reapplication. An order of removal should state in the order the earliest date at which the attorney may apply for reinstatement. An attorney who was removed from an appointment list under “Grounds for Removal” number 7 or 8 shall be immediately reinstated upon providing proof that the charges were dismissed or that the attorney was acquitted, unless other grounds for removal exist against the attorney that would prohibit reinstatement.

The decision of the board of judges/juvenile board is final and may not be appealed.

**RULE 6.15****REPLACEMENT OF APPOINTED COUNSEL**

## 6.15.01

An attorney may be removed from an appointment upon satisfying the appointing Judge that the lawyer has good cause for being excused and that the client will not be prejudiced, in which case the judge shall use Rule 6 to immediately appoint another qualified lawyer.

## 6.15.02

The judge with jurisdiction over a criminal case may replace appointed counsel after entering findings in the record showing good cause for the replacement and no prejudice to the defendant, including but not limited to the following:

- a. Current information about the defendant and charges indicates that counsel of different

- qualifications would be appropriate for the defendant under these rules; or
  - b. Replacement is needed to comply with Tex. Code Crim. P. Art. 26.052 (e) in a capital felony trial.

6.15.03 The judge with jurisdiction over a criminal case will replace appointed counsel at the Defendant's request if:

- a. The Defendant requests an attorney other than trial defense counsel for appeal or post conviction habeas corpus proceedings; or
- b. The Defendant shows good cause for replacing appointed counsel.

#### **RULE 10**      **CONTACT BETWEEN APPOINTED COUNSEL AND CLIENTS**

- a. To minimize costs to the county under these rules, magistrates will (1) insure that the county's sheriff knows how his policies may facilitate efficient communication between jailed clients and (2) attorneys without surmising the security of any detention facility, including policies that minimize the time that attorneys must wait for their clients at jail.
- b. Appointed counsel will make every reasonable effort to interview their clients before the end of the day after the date the appointment is made, not including weekends and holidays. *It is a standing order of the Webb County Board of Judges that, upon request, the Sheriff shall permit contact visits between inmate defendants and their attorneys.*

#### **RULE 11**      **FEE SCHEDULE**

Each court shall pay appointed non-Public Defender attorneys reasonable fees in accordance with a uniform schedule of fees as adopted by the majority of the judges. The uniform schedule of fees shall take into consideration reasonable and necessary overhead costs, the availability of qualified attorneys, time and labor expended, complexity of the case, and the experience and ability of counsel. An attorney working under the Public Defender shall be paid by salary set by the Commissioner's court. See Exhibit E.

#### **RULE 12.01**      **APPOINTED ATTORNEY COMPENSATION**

- A. All payments shall be paid after judicial approval, in accordance with the attached fee schedule and guidelines which were adopted by formal action of The Board of Court Judges, with copies sent to the Commissioner's Court of Webb County. (See Exhibit G)
- B. This fee schedule takes into consideration reasonable and necessary overhead costs and the availability of qualified attorneys willing to accept the stated rates.
- C. A new voucher form and in-court and out-of-court itemization forms will be provided for appointed counsel to itemize the types of services performed. (See Attachment F) The appointed counsel must submit this voucher to the judge presiding over the case for which the appointed attorney seeks compensation, for the judge to approve the payment.
- D. If the judge disapproves the requested amount of payment the judge shall make written findings stating the amount of payment that the judge approves and each reason for approving an amount different from the requested amount.
- E. If the trial court grants the excess payment, the Local Administrative Judge (in felony cases) or the two County Court at Law Judges (in misdemeanor cases) or two of the juvenile judges, must also approve the excess payments. If approved, the orders will be submitted to Commissioner's Court for excess payments. If the request for excess payments is denied by the trial court, the case will be submitted to Commissioner's Court for payment of the case maximum.
- F. An attorney whose request for payment is disapproved may appeal the disapproval by filing a motion with the presiding judge of the administrative judicial region, as provided under Article 26.05(c) of the Code of Criminal Procedure. This motion must be

filed within twenty-one (20) days from the date the attorney receives notice of the disapproval of payment.

- G. On the filing of a motion, the presiding judge of the administrative judicial region shall review the disapproval of payment and determine the appropriate amount of payment. In reviewing the disapproval, the presiding judge of the administrative judicial region may conduct a hearing. Webb County shall pay to the appointed counsel the amount that is approved by the presiding judge of the administrative judicial region and that is in accordance with the adopted fee schedule.
- H. Webb County will reimburse appointed attorneys for investigation and expert witness expenses incurred on behalf of an indigent defendant as provided under Articles 26.05(d) and 26.052 (f) through (h) of the Code of Criminal Procedure, and that is in accordance with the adopted fee schedule. These expenses must be pre-approved by the trial court:
  - 1. The attorney must attach to the voucher an itemized statement of each expense listing the date, the kind and the amount of the expense and must supply supporting documents for any expense over \$40.00;
  - 2. Regarding computer assisted legal research the attorney must provide a statement of the issues researched, and estimate of the number of hours of attorney time required if the research has been done manually and a copy of the bill.
- I. Payment of a fee in excess of the case maximum stated in the fee schedule as described in subparagraph E above may be made in the following kinds of cases:
  - (A) Extended cases: A case in which more time is reasonable required for total processing than the average case.
  - (B) Complex case: A case in which the legal or factual issues are unusual, thus requiring expenditure of more time, skill, and effort than would be required in the average case.
  - (C) In no event shall the hourly in court and out of court rates specified above be exceeded.
  - (D) An attorney may obtain excess payments by certifying to the trial court that: (1) the case was extended, complex, or both and (2) excess payment is necessary to provide fair compensation.
  - (E) In order to approve excess payments, the trial court must make the following findings
    - (1) The case was extended, complex, or excess payment is necessary to provide fair compensation. On this issue, the following factors will be considered:
      - (a) Responsibilities of the attorney measured by the magnitude and importance of the case.
      - (b) Manner in which the attorney performed his/her duties.
      - (c) The attorney's knowledge, skill, efficiency, and professionalism.
      - (d) Judgment required of and used by the attorney.
      - (e) Nature of the attorney's practice and injury to it because of this case.
      - (f) Extraordinary pressure of time or other factors.
      - (g) Any other relevant factors.
- J. Payment of a fee in a case presided over by a visiting judge also requires the approval of the trial court judge. The administrative judge may also approve payment in the event that the trial court judge is unavailable.
- K. *Failure* to submit your voucher for payment 15 days completion of appellate proceedings will be deemed to be a donation of the attorney time and talent and will be pro bono.

**RULE 12.09**      **VOUCHER FORMS**

Payment will not be approved unless the proper form, a copy of which is attached as Exhibit is timely submitted within 15 days.

These Interim Standards and Procedures for Appointment of Counsel for Indigent Defendants were amended by unanimous vote of the Board of Judges of Webb County, Texas at the regularly scheduled Joint District, Juvenile and County Court at Law Administrative Board meeting on December , 2005.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

/s/

/s/

\_\_\_\_\_  
Ben Morales  
Judge, County Court at Law I

\_\_\_\_\_  
Jesus Garza  
Judge, County Court at Law II

/s/

/s/

\_\_\_\_\_  
Elma Teresa Salinas Ender  
Judge, 341<sup>st</sup> District Court

\_\_\_\_\_  
Manuel R. Flores  
Judge, 49<sup>th</sup> District Court

/s/

/s/

\_\_\_\_\_  
Raul Vasquez  
Judge, 111<sup>th</sup> District Court

\_\_\_\_\_  
Oscar J. Hale, Jr.  
406<sup>th</sup> District Court

Signed this \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
JUDGE DAVID PEEPLES  
Administrative Judge for the Fourth Region

**DEFENDANT'S FINANCIAL AFFIDAVIT**

**CASE NUMBER:** \_\_\_\_\_ **OFFENSE:** \_\_\_\_\_ F 1 \_\_\_ F 2 \_\_\_ F3 \_\_\_  
SJF \_\_\_ MSD \_\_\_

*I am fully competent to make this affidavit.*

**Full Name:** \_\_\_\_\_ **Age:** \_\_\_\_\_ **DOB:** \_\_\_\_-\_\_\_\_-\_\_\_\_  
(Paternal) (Maternal, if used) (First) (Middle)  
**Address:** \_\_\_\_\_ **Social Security No.** \_\_\_\_ - \_\_\_\_ - \_\_\_\_  
\_\_\_\_\_ **TDL:** \_\_\_\_\_ **Home** \_\_\_\_\_ **No.** \_\_\_\_\_

(Check Status) Married \_\_\_ Separated \_\_\_ Divorced \_\_\_ Single \_\_\_ How many children do you have? \_\_\_\_\_

**Name of Spouse** (if applicable) \_\_\_\_\_

Employed \_\_\_ Unemployed \_\_\_ Retired \_\_\_ Student \_\_\_ Welfare \_\_\_ \$ \_\_\_\_\_ PER \_\_\_\_\_

Social Security \_\_\_ \$ \_\_\_\_\_ per \_\_\_\_\_ Unemployment \_\_\_ \$ \_\_\_\_\_ PER \_\_\_\_\_

Name Employment: \_\_\_\_\_ Can Return after arrest: YES or NO (Circle One)

Employment Address: \_\_\_\_\_ Supervisor's Name and Phone No. \_\_\_\_\_

Salary \$ \_\_\_\_\_ Per \_\_\_\_\_ Other Income \_\_\_\_\_ Spouse Income \$ \_\_\_\_\_ PER \_\_\_\_\_

**With whom do you live?** \_\_\_\_\_ Explain relationship \_\_\_\_\_

Spouse's Employer \_\_\_\_\_ Spouse's Employment phone no. \_\_\_\_\_

Do you Pay or Receive Child Support? YES or NO (Circle One) If Yes, how much? \$ \_\_\_\_\_ @ month bi-monthly weekly  
(Circle One)

Home: Own \_\_\_ Mortgage \$ \_\_\_\_\_ per \_\_\_\_\_ Rent \_\_\_ \$ \_\_\_\_\_ per \_\_\_\_\_

None of the above, boarding with \_\_\_\_\_

Auto: None \_\_\_ Own/Lease \_\_\_ Payment \$ \_\_\_\_\_ per \_\_\_\_\_ Make \_\_\_\_\_ Year \_\_\_\_\_

Do you own real property? \_\_\_\_\_ If yes, value: \_\_\_\_\_

(Other than your residence)

Do you or your spouse own a vehicle? Yes No (Circle One) If so, what is the make and year of the vehicle \_\_\_\_\_

My Average Total Monthly Income From all sources: \$ \_\_\_\_\_

My Average Total Monthly Debt Payments: \_\_\_\_\_  
(Include All Debts such as Loan Companies, Banks, Credit Cards, etc.)

My Average Total Monthly Expenses: \_\_\_\_\_  
(Include Utilities and Any Other Expenses NOT included question above)

Total Cash on hand: \_\_\_\_\_

(INCLUDE checking accounts, savings accounts, life insurance policies, etc.)

**I am currently:** IN JAIL or ON BOND (CIRCLE ONE) TYPE OF BOND: Cash Personal Surety (CIRCLE ONE)

Do you have an attorney? \_\_\_\_\_ If yes, then what is your attorney's name: \_\_\_\_\_

**In an Emergency, contact:**

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_ Telephone no: \_\_\_\_\_

**Next nearest relative:**

NAME \_\_\_\_\_ ADDRESS \_\_\_\_\_ Telephone no: \_\_\_\_\_

**AFFIDAVIT**

**STATE OF TEXAS** §

**COUNTY OF WEBB** §

On this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, I have been advised by the \_\_\_\_\_ Court of my right to representation by counsel in the trial of the charge pending against me. I certify that I am without means to employ counsel of my own choosing and I hereby request the Court to appoint counsel for me. I hereby, having been sworn upon oath, depose, state, and certify that the above information is true and correct.

**Witness my signature on this the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.**

\_\_\_\_\_  
**Accused**

Print Name: \_\_\_\_\_

**Subscribed and sworn to before me this the \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.**

(SEAL)

\_\_\_\_\_  
**Magistrate or Notary Public**

Print Name: \_\_\_\_\_

Adopted 12/31/01

Exhibit A-Page 1

WEBB COUNTY  
**Accused Declined to be Interviewed**

The State of Texas,     §

County of Webb.       §

Before me, on the \_\_\_\_\_ day of \_\_\_\_\_, 200 \_\_, at \_\_\_\_\_, appeared \_\_\_\_\_, whom I have informed of his/ her right to have counsel appointed to represent him/her. AT THIS TIME, the accused declined to be interviewed to determine if he/she is eligible for court appointed counsel.

\_\_\_\_\_  
\_\_\_\_\_  
Witness

Accused/SID no.

Accused refused to sign:

\_\_\_\_\_  
Magistrate

Remarks:

\_\_\_\_\_  
\_\_\_\_\_

This hearing was interpreted by: \_\_\_\_\_  
(Name of Interpreter)

Law Enforcement Agency: \_\_\_\_\_  
Date Of Arrest: \_\_\_\_\_  
Time Of Arrest: \_\_\_\_\_  
Place Of Arrest: \_\_\_\_\_

Court #: \_\_\_\_\_  
County/State: \_\_\_\_\_  
Warrant #, If Any: \_\_\_\_\_  
Bail Set: \$ \_\_\_\_\_

**HAS A PROBABLE CAUSE AFFIDAVIT BEEN FILED?**    ☐ YES    ☐ NO

**MAGISTRATE'S WARNING**

THE STATE OF TEXAS  
COUNTY OF \_\_\_\_\_

§  
§

Before me, the undersigned, magistrate of \_\_\_\_\_ County, Texas on the \_\_\_\_\_ day of \_\_\_\_\_, at \_\_\_\_\_ o'clock AM/PM, appeared \_\_\_\_\_. I gave said person the following warning:

- ☐ You are charged with the offense of \_\_\_\_\_ ☐ a felony ☐ a misdemeanor
- ☐ You have a right to hire an attorney to represent you.
- ☐ You have the right to have an attorney present prior to and during any interview and questioning by peace officers or attorneys representing the State.
- ☐ You have the right to remain silent.
- ☐ You are not required to make a statement, and any statement you make can and may be used against you in court.
- ☐ You have the right to stop any interview or questioning at any time.
- ☐ You have the right to have an examining trial (felonies only).
- ☐ You have the right to request appointment of counsel if you cannot afford counsel. \*

**\*THE MAGISTRATE SHALL ENSURE THAT THE PERSON IS INFORMED OF THE FOLLOWING PROCEDURES:**

- a. That an application for a court appointed attorney must be completed to determine if he/she qualifies for a court appointed attorney;
- b. That reasonable assistance will be provided to him/her when filling out the application for a court appointed attorney, if needed;
- c. That a financial affidavit must be signed;
- d. That an affidavit is a written or printed declaration or statement of facts made voluntarily and confirmed by oath before a person having authority to administer such oath;
- e. That if he/she meets indigence standards he/she will qualify for court appointed attorney; and,
- f. Attorney should attempt to contact him/her by the end of the first working day after appointment and to interview him/her as soon as practicable after appointment. If appointment is made when the accused is before the court, the accused will be given attorney's name, address, and phone number.

**If you are not a United States citizen and you have been arrested or detained, you may be entitled to have us notify your country's consular representatives here in the United States. Do you want us to notify your country's consular officials?**

- ☐ NO. \_\_\_\_\_ ☐ YES. \_\_\_\_\_
- ☐ If you responded "YES," what country? \_\_\_\_\_.

If you are a citizen of a country that requires us to notify your country's consular representative, we shall notify them as soon as possible.

**THE ACCUSED DOES / DOES NOT WANT TO REQUEST COURT APPOINTED ATTORNEY.**

**Circle One**

I acknowledge that I was given the above  
warning (This is NOT an admission of guilt):

Magistrate \_\_\_\_\_

Person warned \_\_\_\_\_

Place of warning: \_\_\_\_\_  
Time: \_\_\_\_\_  
Date: \_\_\_\_\_

Accused refused to sign acknowledgement  
of warning:

Witness (if any):  
Name: \_\_\_\_\_  
Address: \_\_\_\_\_

Magistrate \_\_\_\_\_

Remarks: \_\_\_\_\_

This hearing was interpreted by:  
(Name of Interpreter)

Exhibit B

CAUSE NUMBER \_\_\_\_\_

STATE OF TEXAS

\_\_\_\_\_ COURT

VS.

OF

\_\_\_\_\_

WEBB COUNTY, TEXAS

**ORDER APPOINTING/ DENYING ATTORNEY**

\_\_\_\_\_ I hereby APPOINT \_\_\_\_\_,  
to represent the defendant in the above numbered and entitled cause, and to  
continue to represent the Defendant until the case is concluded, including  
appeal, if any, or until released by written order of this Court.

\_\_\_\_\_ I hereby DENY appointment of counsel.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Judge Presiding

NAME OF ATTORNEY : \_\_\_\_\_

PHYSICAL ADDRESS : \_\_\_\_\_

PHONE NO. : \_\_\_\_\_

FAX NO. : \_\_\_\_\_

EXHIBIT C



CAUSE NUMBER \_\_\_\_\_

STATE OF TEXAS

\_\_\_\_\_ COURT

VS.

OF

\_\_\_\_\_

WEBB COUNTY, TEXAS

**NOTIFICATION TO COURT OF ATTORNEY'S**  
**FAILURE TO CONTACT THE ACCUSED**

**To the Honorable Judge of Said Court:**

This is to notify you that \_\_\_\_\_,  
(Attorney Name)  
who was appointed on \_\_\_\_\_, has not contacted  
(To be filled out by Clerk)  
me as of \_\_\_\_\_.  
(Today's Date)

\_\_\_\_\_  
Signature of Accused

\_\_\_\_\_  
(Print or Type Name)

\_\_\_\_\_  
Street Address

\_\_\_\_\_  
City, State, Zip, Country

\_\_\_\_\_  
Day Phone

\_\_\_\_\_  
Night Phone

\_\_\_\_\_  
Cellular Phone

\_\_\_\_\_  
Name, Address, and Phone No. of Relative

EXHIBIT "C-2"

(Fold, seal and mail or Hand Deliver or Fax this form to Pretrial Services at 956-523-5090 or  
call Pretrial Services at 956-523-4029.)

Front of Form

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Cornell Mickley -Webb County Indigent Defense Coordinator  
Webb County Justice Center  
1110 Victoria Street - 3<sup>th</sup> Floor  
Laredo, Texas 78040

**Back of Form**

**WEBB COUNTY APPLICATION/AFFIDAVIT**  
**Criminal Felony, Misdemeanor or Juvenile Courts Attorney Appointment List**

**PLEASE COMPLETE THIS ENTIRE PAGE**

Name: \_\_\_\_\_ Date: \_\_\_\_\_  
Birth Date: \_\_\_\_\_  
Business Address: \_\_\_\_\_ Day Phone: \_\_\_\_\_  
Home Phone: \_\_\_\_\_ FAX No. \_\_\_\_\_  
Cell Phone: \_\_\_\_\_  
E-mail address: \_\_\_\_\_

\*Note: You will receive notification of appointment by fax and e-mail.

**EDUCATION**

1. Undergraduate School: \_\_\_\_\_ Date Graduated: \_\_\_\_\_
3. Date licensed to practice law in Texas: \_\_\_\_\_ Bar Card No. \_\_\_\_\_
4. Are you fluent in any language other than English? Which language(s)?  
\_\_\_\_\_
5. Have you attended the Advanced Criminal Law Course within the last four years? \_\_\_\_\_  
Yes \_\_\_\_\_ No
6. Have you had at least ten hours of CLE in Criminal Law or Juvenile Law in the last  
calendar year? \_\_\_\_\_ Yes \_\_\_\_\_ No If "yes" where and when  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Have you ever been sanctioned or reprimanded by the State Bar? \_\_ Yes \_\_ No If "yes" where  
and when \_\_\_\_\_  
Do you have any pending grievances? \_\_\_\_\_ Yes \_\_\_\_\_ No. If yes, explain.  
\_\_\_\_\_  
\_\_\_\_\_

**EXPERIENCE-GENERAL**

Briefly describe your legal experience and the type of law you have practiced including what  
percentage has been criminal law:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### **EXPERIENCE-CRIMINAL**

Have you ever served in a criminal prosecutor's office? Yes \_\_\_\_ No \_\_\_\_  
If "yes," where and when: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Have you ever served as the lead counsel in the defense or prosecution of a criminal or juvenile case?  
Yes\_\_ No \_\_ If "yes," how many times? \_\_\_\_ Misdemeanor \_\_\_\_ Felony \_\_\_\_ Juvenile  
Type of juvenile case: \_\_\_\_\_

How many criminal or juvenile jury trials have you tried as lead counsel? \_\_\_\_ Misdemeanor \_\_\_\_ Felony  
\_\_\_\_ Juvenile In the last 12 months: \_\_\_\_ Misdemeanor \_\_\_\_ Felony \_\_\_\_ Juvenile  
Type of juvenile case: \_\_\_\_\_

Have you ever tried a capital murder case where the State was seeking the death penalty? Yes\_\_ No\_\_  
If "yes," specify case and when it was tried: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

First Chair: \_\_\_\_\_ Second Chair: \_\_\_\_\_

Check those that apply.

- \_\_\_\_ Have at least five years of experience in criminal litigation
- \_\_\_\_ Have tried to verdict as lead defense counsel a significant number of felony cases (at least 5-10)
- \_\_\_\_ Have trial experience in the use of and challenges to mental health or forensic expert witnesses
- \_\_\_\_ Have investigated and presented mitigating evidence at the penalty phase of a death penalty trial
- \_\_\_\_ Have participated in continuing legal education courses or other training relating to criminal defense in death penalty cases

### **EXPERIENCE-APPELLATE**

Do you want to be assigned appellate appointments? Yes\_\_\_\_ No\_\_\_\_  
Number of briefs filed: \_\_\_\_\_ Number of oral arguments: \_\_\_\_\_

### **SPECIAL QUALIFICATIONS**

Are you board certified in criminal law? Yes \_\_\_\_\_ No \_\_\_\_\_

Are you board certified in juvenile law? Yes \_\_\_\_\_ No \_\_\_\_\_

Are you licensed to practice in federal court? Yes \_\_\_\_\_ No \_\_\_\_\_

If "yes," have you received an appointment from federal court in the last year? Yes \_\_\_\_ No \_\_\_\_

If you possess any additional special qualifications or experience you would like considered in lieu of those required by the qualifications to represent criminal defendants:

\_\_\_\_\_

\_\_\_\_\_

Based on the Webb County Qualifications I am qualified to receive appointments on the following:

|   |  |
|---|--|
| _____ Felony 3g/1 <sup>st</sup>               | _____ Juvenile (Check those that apply):                           |
| _____ Felony 2 <sup>nd</sup> /3 <sup>rd</sup> | ( ) Determinate or habitual felony, C&T, 3g/1 <sup>st</sup> degree |
| _____ Felony SJF                              | ( ) Other Felonies   |
| _____ Misdemeanor                             | ( ) Misdemeanors/CINS  |
| _____ Appeals                                 |  |

I do not qualify technically to receive court appointments for \_\_\_\_\_ cases because \_\_\_\_\_

\_\_\_\_\_

I wish to apply for an exception to the qualifications to receive court appointments for the following reason (s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

If you are applying for a grace period exception, please indicate when you will have your qualifications met \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Do you want to be listed as a Spanish-speaking attorney? Yes \_\_\_\_\_ No \_\_\_\_\_

Are you willing to accept clients who speak the languages listed in question number four?

Yes \_\_\_\_\_ No \_\_\_\_\_

If you need additional space to answer any of the questions please place the answers on an additional page.

**CERTIFICATION OF KNOWLEDGE OF STANDING  
RULES FOR PROCEDURES FOR TIMELY AND FAIR  
APPOINTMENT OF COUNSEL FOR INDIGENT ACCUSED  
PERSONS IN WEBB COUNTY, TEXAS**

I certify, under oath, that I have received, read, and understand the Webb County Plan and Standing Rules and Orders for Procedures for Timely and Fair Appointment of Counsel for December 20, 2001, and effective January 1, 2002 and will comply with said plan, rules, and orders.

I certify, under oath, that I shall maintain an office with a phone which is answered a receptionist or answering service from 8:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 5:00 p.m. Monday through Friday (except for Webb County holidays as set out in the official Webb County calendar approved by the Webb County Commissioner's Court) and by which a receptionist or/and answering service can promptly locate me and notify me of appointment or hearing setting. I agree I will maintain a FAX number to which FAXES may be received 24 hours a day, seven days a week, an email address and a physical address. These numbers are as follows:

Office Receptionist \_\_\_\_\_

Officer Answering Service \_\_\_\_\_

Fax number \_\_\_\_\_

Cellular \_\_\_\_\_

E-mail address \_\_\_\_\_

Physical Address \_\_\_\_\_

I will give written notice of any change in these notification numbers to each County Court at Law, District Court and Juvenile Judge and Justice of the Peace in Webb County prior to the change.

I acknowledge that I shall contact any accused person I am appointed to represent by the end of the first working day following notification of my appointment.

I acknowledge that I shall interview said accused person as soon as practicable.

I, \_\_\_\_\_, certify, under oath, that I will zealously represent my represent my client but always within the bounds of the law and legal ethics of Texas.

I understand that I must timely submit my bill for:

1. Indigent legal representation within 15 days of the date a case is disposed of by a plea or bench trial; or
2. Indigent legal representation within 15 days of the date of judgment in a trial; or
3. Indigent appeal representation within 15 days of the date a mandate is returned on appeal.

I understand and acknowledge that failure to comply, without showing of good cause, with these time requirements shall result in my waiver of right for such compensation and my services will have been performed PRO BONO.

I understand that I have a continuing duty to file an Amended Affidavit within 30 days of the date any of the above information changes.

I hereby, have been sworn upon oath, depose, state, and certify that the above information is true and correct.

Witness my signature on this the \_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
AFFIANT

Print Name: \_\_\_\_\_

Bar No. \_\_\_\_\_

Subscribed and Sworn to before me this the \_\_\_\_ day of \_\_\_\_\_,

200\_\_.

\_\_\_\_\_  
NOTARY PUBLIC / PERSON AUTHORIZED  
TO ADMINISTER OATHS

Print Name: \_\_\_\_\_

Capacity: \_\_\_\_\_

Seal

## Webb County Request for Payment of Attorney Fees

|  |                           |                     |   |  |        |   |  |
|--|---------------------------|---------------------|---|--|--------|---|--|
| 1. Jurisdiction<br><input type="checkbox"/> District <input type="checkbox"/> County<br><br><input type="checkbox"/> County Court at Law<br>Court # _____  |                           | 2. County           |   | 3. Cause Number                  Offense<br><br>_____<br><br>_____ |        | 4. Proceedings<br><input type="checkbox"/> Trial-Jury <input type="checkbox"/> Trial-Court<br><br><input type="checkbox"/> Plea-Open <input type="checkbox"/> Plea- Bargain<br><br><input type="checkbox"/> Other _____ |  |
| 5. In the case of:<br>State of Texas v _____   |                           |                     |   |  |        |   |  |
| 6. Case Level<br><input type="checkbox"/> Felony 1 <input type="checkbox"/> Felony 2 <input type="checkbox"/> Felony 3 <input type="checkbox"/> Felony 3g <input type="checkbox"/> State Jail Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Juvenile <input type="checkbox"/> Appeal <input type="checkbox"/> Capital Case<br><br><input type="checkbox"/> Revocation – Felony <input type="checkbox"/> Revocation – Misdemeanor <input type="checkbox"/> No Charges Filed <input type="checkbox"/> Other _____ |                           |                     |   |  |        |   |  |
| 7. Attorney (Full Name)  |                           |                     | 9. Attorney Address (Include Law Firm Name if Applicable) |  |        | 10. Telephone   |  |
| 8. State Bar Number  |                           | 8a. Tax ID Number   |   |  |        | 11. Fax   |  |
| 12. Flat Fee – Court Appointed Services  |                           |                     |   |  |        | 12a. Total Flat Fee   |  |
|  |                           |                     |   |  |        | \$  |  |
| 13.  | In Court Services         |                     |   | Hours  | Dates  | 13a. Total In Court Compensation.<br><br>\$   |  |
|  |                           |                     |   |  |        |   |  |
|  |                           |                     |   |  |        |   |  |
|  |                           |                     |   |  |        |   |  |
|  | Rate per Hour =           |                     | Total hours   |  |        |   |  |
| 14.  | Out of Court Services     |                     |   | Hours  | Dates  | 14a. Total Out of Court Compensation.<br><br>\$   |  |
|  |                           |                     |   |  |        |   |  |
|  |                           |                     |   |  |        |   |  |
|  |                           |                     |   |  |        |   |  |
|  | Rate per Hour =           |                     | Total hours   |  |        |   |  |
| 15.  | Investigator              |                     |   |  | Amount | 15a. Total Investigator Expenses<br>\$  |  |
|  |                           |                     |   |  |        |   |  |
|  |                           |                     |   |  |        |   |  |
| 16.  | Expert Witness            |                     |   |  | Amount | 16a. Total Expert Witness Expenses<br>\$  |  |
|  |                           |                     |   |  |        |   |  |
|  |                           |                     |   |  |        |   |  |
| 17.  | Other Litigation Expenses |                     |   |  | Amount | 17a. Total Other Litigation Expenses<br>\$  |  |
|  |                           |                     |   |  |        |   |  |
|  |                           |                     |   |  |        |   |  |
| 18. Time Period of service Rendered: From _____ to _____<br>Date Date  |                           |                     |   |  |        |   |  |
| 19. Additional Comments  |                           |                     |   |  |        | 20. Total Compensation and Expenses Claimed   |  |
| 21. Attorney Certification – I, the undersigned attorney, certify that the above information is true and correct and in accordance with the laws of the State of Texas. The compensation and expenses claimed were reasonable and necessary to provide effective assistance of counsel.<br><br><input type="checkbox"/> Final Payment <input type="checkbox"/> Partial Payment   _____<br>Signature Date   |                           |                     |   |  |        |   |  |
| 22. SIGNATURE OF PRESIDING JUDGE:  |                           |                     |   |  |        | Amount Approved:  |  |
| Reason(s) for Denial or Variation  |                           |                     |   |  |        |   |  |
| 23. APPROVAL FOR PAYMENT   |                           | Auditor's Signature |   | Date   |        | G/L Account No.   |  |



# **WEBB COUNTY FEE SCHEDULE -Adopted 12/03/04**

Vouchers should be itemized on 1/4 hour basis

|  | <u>Juveniles/</u>             |              | <u>Misdemeanors</u> |           |                     |          | <u>Felonies</u> |   |
|--|-------------------------------|--------------|---------------------|-----------|---------------------|----------|-----------------|---|
|  | <u>Child Protective Cases</u> |              |                     |           |                     |          |                 |   |
|  | Misd/Felonies                 | Cert/Discret | Regular             | DWI's     | SJF/3 <sup>rd</sup> | 2nd      | 1st             | Capital   |
| <b>Initial Jail Visit</b>                                  | \$75                          | \$75         | 100                 | 100       | 100                 | 100      | 100             | 100   |
| <b>Court Appearance</b>                                    | 75/appearance                 | \$75/appear  | 75                  | 75        | 75                  | 85       | 100             | 100   |
| <b>(Hourly Rate)</b>                                       |                               |              |                     |           |                     |          |                 |   |
| <b>Evid. Hearing &amp; MTR's</b>                           | 75/hour                       | 85/hour      | 75/hour             | 85/hour   | 85/hour             | 85/hour  | 100/hour        | 100/hour *  |
| <b>(Hourly Rate)</b>                                       | cap \$150                     |              |                     |           |                     |          |                 | *cap/600@day<br>1st ch<br>*cap/300 2nd c  |
| <b>Trial</b>   | 75/hour                       | 85/hour      | 75/hour             | 75/hour   | 85/hour             | 100/hour | 125/hour        | 150/hour-1st ch   |
| <b>(Hourly Rate) <u>See cap</u></b>                        | cap \$400/day                 | 600/day      | \$400/day           | \$400/day | \$500               | \$600    | \$750           | 120/hour-2nd c<br><br>cap/25,000–<br>1 <sup>st</sup> ch<br>cap/15,000–<br>1stch |
| <b>Out-of-Court Time</b>                                   | 50/hour                       | 60/hour      | 50/hour             | 60/hour   | 50/hour             | 60/hour  | 75/hour         | \$100/hour-1stcl  |
| <b>(Hourly Rate)</b>                                       | 10 hours                      | 10 hours     | 10 hours            | 10 hours  | 10 hours            | 15 hours | 30 hours        | \$80/hour-2ndch   |
| <b>*Need prior approval to<br/>exceed hours on regular</b> |                               |              |                     |           |                     |          |                 | Capped@120hr  |
| <b>Flat Fee for Pleas</b>                                  | 100                           | 500          | 500                 | 500       | 500                 | 750      | 1000            | 1st ch – 3500<br>2nd ch – 2500  |
| <b>Investigator Fees-Capped at<br/>(Approval required)</b> | \$100                         | \$750        | \$300               | \$300     | \$500               | \$750    | \$1,500         | Approval Req.   |

## **APPEALS AND P.D.R.'s**

| <u>Non-Capital</u>                           | <u>Hourly Rate</u>  | <u>Total</u>    |                  |
|--|---------------------|-----------------|------------------|
| <b>Appeal</b>                                | \$75/hour           | \$2,250         |                  |
| <b>Appeal-Trial&gt;5 days</b>                | \$75/hour           | \$4,500         |                  |
| <b>PDR</b>                                   | \$75/hour           | \$750           |                  |
| <b>New Brief after PDR granted</b>           | \$75/hour           | \$1,500         |                  |
| <b>Oral Argument-Ct. Crim.</b>               |                     |                 |                  |
| <b>Appeals</b>                               | \$75/hour           | \$300           |                  |
| <b>Travel expenses for Oral<br/>Argument</b> | receipts req        |                 |                  |
| <b>Other: Prior approval required</b>        |                     |                 |                  |
| <b><u>Capital</u></b>                        | <b>Out of Court</b> | <b>In Court</b> | <b>Pres. Max</b> |
| <b>Appeal-Death Penalty not sought</b>       | \$100               | \$150           | \$4,500          |
| <b>Appeal-Death Penalty sought</b>           | \$150               | \$200           | \$15,000         |
| <b>Travel expenses</b>                       |                     |                 |                  |
| <b>Other:</b>                                |                     |                 |                  |
| <b><u>Prior approval required</u></b>        | receipts req        |                 |                  |

Exhibit F